UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION	No. 12-md-2323(AB) MDL No. 2323 SHORT FORM COMPLAINT IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION JURY TRIAL DEMANDED				
Plaintiffs' Master Administrative Long- Form Complaint and (if applicable) Howard Ballard, et al. v. National Football League [et al.], No. 2:13-cv-02244-AB					
SHORT FOR	RM COMPLAINT				
1. Plaintiffs, <u>James Bowers</u>	, and Plaintiff's SpouseVicki Bowers				
, bring this civil action as a rela	ited action in the matter entitled IN RE:				
NATIONAL FOOTBALL LEAGUE PLAYER	RS' CONCUSSION INJURY LITIGATION,				
MDL No. 2323.					
2. Plaintiffs are filing this short fo	Plaintiffs are filing this short form complaint as required by this Court's Case				
Management Order No. 2, filed April 26, 2012	2.				
3. Plaintiff and Plaintiff's Spouse	Plaintiff and Plaintiff's Spouse incorporate by reference the allegations (as				
designated below) of the Master Administrativ	ve Long-Form Complaint, as may be amended, as				
if fully set forth at length in this Short Form C	omplaint.				
4. [Fill in if applicable] Plaintiff is	s filing this case in a representative capacity as the				
of, having been d	uly appointed as the by the Court of				
(Cross out sentence below if no	ot applicable.) Copies of the Letters of				
Administration/Letters Testamentary for a wro	ongful death claim are annexed hereto if such				
Letters are required for the commencement of	such a claim by the Probate, Surrogate or other				
appropriate court of the jurisdiction of the dece	edent.				

5.	Plaint	iff <u>James Bowers</u> is a resident and citizen of <u>Cordova</u> ,			
Tennessee	, and	claims damages as set forth below.			
6.	Plaint	iff's Spouse, Dwilda Ballard is a resident and citizen of			
	Cordo	ova, Tennessee , and claims damages as a result of loss of consortium			
7.	On information and belief, the Plaintiff sustained repetitive, traumatic sub-				
concussive an	nd/or co	ncussive head impacts during NFL games and/or practices. On information			
and belief, Pl	aintiff s	suffers from symptoms of brain injury caused by the repetitive, traumatic			
sub-concussi	ve and/o	or concussive head impacts the Plaintiff sustained during NFL games and/or			
practices. On	inform	ation and belief, the Plaintiff's symptoms arise from injuries that are latent			
and have dev	eloped	and continue to develop over time.			
8.	The o	riginal complaint by Plaintiffs in this matter was filed in the United States			
District Cour	t South	ern District of New York on April 5, 2013. If the case is remanded, it should			
be remanded	to the U	United States District Court Southern District of New York.			
9.	Plaintiffs claim damages as a result of [check all that apply]:				
	\boxtimes	Injury to Herself/Himself			
		Injury to the Person Represented			
		Wrongful Death			
		Survivorship Action			
	\boxtimes	Economic Loss			
		Loss of Services			
	\boxtimes	Loss of Consortium			
10.	[Fill i	n if applicable] As a result of the injuries to her husband, James Bowers			
	, Plaiı	ntiff's Spouse, <u>Vicki Bowers</u> , suffers from a loss of consortium,			
including the	followi	ng injuries:			
	\boxtimes	loss of marital services;			
	\boxtimes	loss of companionship, affection or society;			
	\boxtimes	loss of support; and			

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	\boxtimes	monetary losses in the form of unreimbursed costs she has had to expend		
		for the health care and personal care of her husband.		
11.	[Check	a if applicable] ⊠Plaintiff and Plaintiff's Spouse reserve the right to object		
to federal juris	sdiction	•		
12.	Plaintiff and Plaintiff's Spouse bring this case against the following Defendants in			
this action [check all that apply]:				
	\boxtimes	National Football League		
	\boxtimes	NFL Properties, LLC		
	\boxtimes	Riddell, Inc.		
	\boxtimes	All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)		
	\boxtimes	Riddell Sports Group, Inc.		
	\boxtimes	Easton-Bell Sports, Inc.		
	\boxtimes	Easton-Bell Sports, LLC		
	\boxtimes	EB Sports Corporation		
	\boxtimes	RBG Holdings Corporation		
13.	[Check	where applicable] As to each of the Riddell Defendants referenced above,		
the claims ass	erted ar	e: ⊠ design defect; ⊠ informational defect; ⊠ manufacturing defect.		
14.	[Check	if applicable] The Plaintiff wore one or more helmets designed and/or		
manufactured	by the l	Riddell Defendants during one or more years Plaintiff played in the NFL		
and/or AFL.				
15.	Plainti	ff played in [check if applicable] the National Football League		
("NFL") and/o	or in [ch	eck if applicable] the American Football League ("AFL") during		

1985-1987 for the following teams: Seattle Seahawks (1985), Buffalo

Bills training camp (1986) and Seattle Seahawks training camp (1987)

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CAUSES OF ACTION

16.	Plain	tiffs herein adopt by reference the following Counts of the Master			
Administrativ	e Long	g-Form Complaint, along with the factual allegations incorporated by			
reference in the	hose Co	ounts [check all that apply]:			
	\boxtimes	Count I (Action for Declaratory Relief- Liability (Against the NFL))			
	\boxtimes	Count II (Medical Monitoring (Against the NFL))			
		Count III (Wrongful Death and Survival Actions (Against the NFL))			
	\boxtimes	Count IV (Fraudulent Concealment (Against the NFL))			
	\boxtimes	Count V (Fraud (Against the NFL))			
	\boxtimes	Count VI (Negligent Misrepresentation (Against the NFL))			
		Count VII (Negligence Pre-1968 (Against the NFL Defendants))			
	\boxtimes	Count VIII (Negligence Post-1968 (Against the NFL Defendants))			
	\boxtimes	Count IX (Negligence 1987-1993 (Against the NFL Defendants))			
		Count X (Negligence Post-1994 (Against the NFL Defendants))			
	\boxtimes	Count XI (Loss of Consortium (Against the NFL and Riddell Defendants)			
	\boxtimes	Count XII (Negligent Hiring (Against the NFL))			
	\boxtimes	Count XIII (Negligent Retention (Against the NFL))			
	\boxtimes	Count XIV (Strict Liability for Design Defect (Against the Riddell			
		Defendants))			
	\boxtimes	Count XV (Strict Liability for Manufacturing Defect (Against the Riddell			
		Defendants))			
	\boxtimes	Count XVI (Failure to Warn (Against the Riddell Defendants))			
	\boxtimes	Count XVII (Negligence (Against the Riddell Defendants))			
	\boxtimes	Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against NFL			
		Defendants))			
17.	Plain	Plaintiffs assert the following additional causes of action [write in or attach]:			
	(a) ne	(a) negligent infliction of emotional distress: and			

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(b) intentional inflection of emotional distress

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and Plaintiff's Spouse pray for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
 - B. For loss of consortium;
 - C. For punitive and exemplary damages as applicable;
- D. For all applicable statutory damages of the state whose laws will govern this action;
- E. For medical monitoring, whether denominated as damages or in the form of equitable relief;
 - F. For an award of attorneys' fees and costs;
 - G. An award of prejudgment interest and costs of suit; and
 - H. An award of such other and further relief as the Court deems just and proper.

JURY DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs hereby demand a trial by jury.

Dated: May 24, 2013 Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: <u>s/ Wendy R. Fleishman</u>
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